

**Remarks/Arguments**

Claims 1, 2, 4-11, 13-18, 20-22, 24 and 25 remain pending in the present application. Claims 1, 4, 11, 13, 17, 21 and 24 were amended; and claims 3, 12, 19, 23 and 26 were canceled to expedite prosecution. No claims have been added. Applicant has carefully considered the cited art and the Examiner's comments, and believes the claims currently in the case patentably distinguish over the cited art and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

**I. Objection to Claims**

The Examiner has stated that claims 3-6, 9, 13-15, 19 and 23-25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Claims 1, 11, 17 and 21 have been amended to incorporate the subject matter of claims 3, 12, 19 and 23, respectively, and claims 4-6, 9, 13-15 and 24-25 should now be allowed

**II. 35 U.S.C. § 102, Anticipation**

The Examiner has rejected claims 1-2, 7-8, 11, 17-18, 20-22 and 26 under 35 U.S.C. § 102(e) as being anticipated by Iwakawa et al. (U.S. Patent No. 6,208,433 B1).

By the present Amendment, independent claim 1 has been amended to incorporate the subject matter of claim 3, and claim 3 has been canceled. The Examiner has indicated that claim 3 contains allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant agrees that Iwakawa does not disclose, or anywhere suggest "determining a flicker function, wherein said flicker function is a function of flicker frequency, flicker amplitude and flicker phase of said light source", as is now recited in claim 1. Claim 1, accordingly, is not anticipated by Iwakawa et al. and should be allowable over Iwakawa et al. in its present form, and it is respectfully requested that the Examiner so find.

Claims 2, 7 and 8 depend from and further restrict claim 1 and should also be allowable in their present form, at least by virtue of their dependency.

Independent claim 11 has been amended to incorporate the subject matter of claim 12, and claim 12 has been canceled. Therefore, the rejection of claim 11 as being anticipated by Iwakawa is now moot.

Independent claim 17 has been amended to incorporate the subject matter of allowable claim 19, and claim 19 has been canceled. Claim 17, accordingly, should be allowable in its present form together with claims 18 and 20 dependent thereon.

Independent claim 21 has been amended to incorporate the subject matter of allowable claim 23, and claim 23 has been canceled. Claim 21, accordingly, should be allowable in its present form, together with claim 22 dependent thereon.

Therefore, the rejection of claims 1-2, 7-8, 11, 17-18, 20-22 and 26 under 35 U.S.C. § 102 has been overcome.

### **III. 35 U.S.C. § 102, Anticipation**

The Examiner has further rejected claims 1, 7-8, 11, 12, 17, 20-21 and 26 under 35 U.S.C. § 102(e) as being anticipated by Kasahara et al. (U.S. Patent No. 6,710,818 B1).

As indicated above, independent claims 1, 17 and 21 have been amended to incorporate the subject matter of allowable claims 3, 19 and 23, respectively, and claims 1, 17 and 21 should, accordingly, be allowable in their present form together with claims 7, 8 and 20 dependent thereon.

Independent claim 11 has been amended to incorporate the subject matter of claim 12, and should also be allowable in its present form.

In rejecting claim 12 as being anticipated by Kasahara et al., the Examiner states:

In regard to claim 12 Kasahara discloses the method according to claim 11, wherein said flicker function is a function of flicker amplitude, flicker frequency and flicker phase of the periodically varying light source (e.g., as shown in Fig. 4A the flicker is a function of amplitude, frequency, and phase based on the varying light source).

Office Action dated June 13, 2005, page 4.

Applicant respectfully disagrees.

As described in col. 9, lines 6-10 of Kasahara, Fig. 4A is a graphical drawing that shows the output of a dividing circuit 4 (Fig. 1). The axis of abscissas represents line number at a frame, and the axis of ordinates represents levels of dividing results, i.e.,  $SUM_{n,i}/AVE_{ni}$ .

$SUM_{n,i}$  and  $AVE_{ni}$  are described in col. 8, line 34 through col. 9, line 5 of Kasahara et al. Specifically,  $SUM_{ni}$  is the “integrating result of  $i^{th}$  line of  $n^{th}$  frame” and  $AVE_{ni}$  is the averaging result of the “integrated level at the corresponding unit area of an adjacent previous frame or field” as determined by averaging circuit 3 (Fig. 1).

Kasahara et al. does not disclose or suggest “determining a flicker function that models light emission of the periodically varying light source, wherein said flicker function is a function of flicker amplitude, flicker frequency and flicker phase of the periodically varying light source” as now recited in claim 11, and claim 11 is not anticipated by Kasahara et al and should be allowable over Kasahara et al. in its present form, and it is respectfully requested that the Examiner so find.

Therefore, the rejection of claims 1, 7-8, 11, 12, 17, 20-21 and 26 under 35 U.S.C. § 102 has been overcome.

#### **IV. 35 U.S.C. § 103, Obviousness**

The Examiner has rejected claims 10 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Iwakawa et al. (U.S. Patent No. 6,208,433 B1) in view of Applicant’s Admitted Prior Art (AAPA). Applicant’s Admitted Prior Art is cited as disclosing using a CMOS image sensor with a rolling shutter to provide exposure control. This rejection is respectfully traversed.

Claim 10 depends from and further restricts claim 1, and claim 16 depends from and further restricts claim 11. AAPA does not supply the deficiencies in Iwakawa et al. as discussed above, and claims 10 and 16 should be allowable in their present form, at least by virtue of their dependency.

Therefore, the rejection of claims 10 and 16 under 35 U.S.C. § 103 has been overcome.

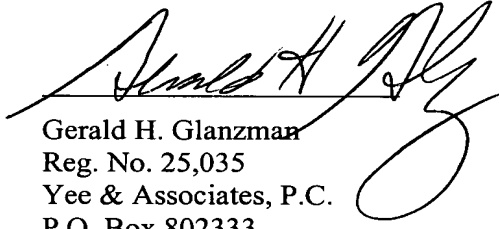
V. **Conclusion**

For at least all the above reasons, Applicant submits that claims 1, 2, 4-11, 13-18, 20-22, 24 and 25 are allowable in their present form, and that this application is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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